

Statement by U.S. Representative Nick J. Rahall
Ranking Member, House Transportation and Infrastructure Committee
On Floor Consideration of H.R. 5078
The Waters of the United States Regulatory Overreach Protection Act of 2014
September 8, 2014

I yield myself such time as I shall consume.

I rise in strong support of H.R. 5078.

In proposing its latest version of regulations defining “Waters of the United States,” the EPA claims to be attempting to provide clarity. It claims to be attempting to provide certainty for multitudes of Americans who have been left perplexed by Clean Water Act jurisdiction for many years.

Without a doubt, confusing and conflicting Supreme Court decisions have helped to create a regulatory jumble. But the EPA’s proposed new regulations are doing little, if anything, to clear and calm those murky and roiling regulatory waters. These proposed regulations have only stirred up more worry, and aggravation and, frankly, anger.

In truth, the only certainty these regulations provide is the sure knowledge that, under them, anyone undertaking nearly any activity involving so much as a ditch in the United States, will have to deal with the bureaucracy known as the EPA.

I stand here today voicing the sheer dread and utter frustration of enterprises and individuals all across southern West Virginia – from coal miners to farming families, to builders, and businesses – large and small.

We have seen firsthand how this EPA uses its limited legal authorities to drive a broad and growing ideological agenda. We have seen this EPA use permits to threaten our coal industry, browbeat our state, and elbow out other federal agencies. And we have witnessed this EPA’s cold and callous disregard for how it’s politically driven agenda is affecting the lives of hardworking West Virginia families.

The proposed regulations concerning “waters of the United States” certainly amount to an expansion of EPA’s reach into waters never before envisioned by the Congress to be subject to the Clean Water Act. They would stake out for the Federal government oversight of areas long reserved to the States. If implemented they would entail more than a power grab; they would result in a land grab, enabling EPA to dictate to more and more citizens just how they can use their own property.

I stand with our coal miners, our farmers, our builders and manufacturers. Our citizens need, and are certainly owed, clarity and certainty. For the EPA to claim that these proposed regulations answer that need...well, one has to wonder just what's in the water over at EPA headquarters.

I support the pending measure, and reserve the balance of my time.